

# MOLDOVA

March 2009

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## NATIONAL POLICY

The Republic of Moldova condemns terrorism in all its forms and manifestations and supports the international community's position regarding the determination of terrorism as one of the main threats to the states' security. The Republic of Moldova supports international co-operation and actively participates in activities directed towards combating terrorism elaborated by international organizations through regulation and practical measures. At the same time, the Republic of Moldova considers that the maintaining state of conflict in different regions of the world, "frozen" conflicts, regions which are under the limited or entire control of separatist-extremist forces, facilitates money laundering, illegal migration, human trafficking and weapons and drug trafficking, which create a favourable environment for international terrorism. Such threats concerning the security of our country, as well as other states situated in the Black Sea region, including countries neighbouring the European Union, in the light of the expanding area of influence of international terrorist networks, represent, for the Republic of Moldova, an important factor in the process of establishing its internal and external policies and strategies. Actively participating in the process of consolidation of its capacities regarding the prevention and combating of terrorism, the Republic of Moldova unconditionally respects international agreements in the field of human rights and fundamental freedoms as being the basis for its internal regulations.

## LEGAL FRAMEWORK

### Penal law

The terrorist acts of 11th September 2001 served as a direct motivation for the Parliament of the Republic of Moldova to adopt Decision No. 464 of 27th September 2001, concerning counter-terrorism, which establishes the necessity to consolidate the authorities' efforts to increase terrorism prevention and counteraction capacities.

On 12th October 2001 the Law No. 539-XV on Combating Terrorism was adopted by the Parliament of the Republic of Moldova. It establishes the regulatory and organizational framework in the field

of combating terrorism, the type of coordination measures to be taken by the authorities who deal with counter-terrorist activities, action to be taken by local and central public authorities, rights, responsibilities and guarantees for persons directly involved in anti-terrorist operations or those who have suffered from a terrorist act. The Law also determines the conditions for negotiation with terrorists and measures for releasing hostages to be taken by the competent authorities of the Republic of Moldova, establishing the possibility of requesting, in accordance with the established procedure, necessary assistance from other states in this matter. In addition, the Law sets out the liability of the organization for carrying out terrorist activities. Thereby, in the Republic of Moldova, the "creation and activity of juridical persons whose aims and activities are directed towards propaganda, justification, subsidizing or supporting of terrorism or the perpetration of offences with a terrorist character is prohibited. Such a juridical person is considered to be a terrorist entity and is liquidated, and its activity is forbidden, on the grounds of an irrevocable decision of the court, at the request of the Prosecutor General or the prosecutors subordinated to him, in cases where, in the name of that legal person, the organization, preparation, financing or perpetration of any offences with terrorist character is performed, as well as in cases where such acts are admitted, sanctioned, approved or used by the person or organization authorized with the leading functions of the juridical person. The court's decision regarding the liquidation of a juridical person (prohibiting its activity) also extends to its various branches and to its representatives. In cases of recognizing the juridical person as a terrorist, its property is seized, according to the Criminal Code of the Republic of Moldova."

On 27th October 2005 modifications to the Law on Prevention and Combating Money Laundering and Terrorism Financing were adopted, through which the Resolution 1267 (2001) of the UN Security Council was partially implemented and consequently, new modifications were introduced to the Criminal Code of the Republic of Moldova which established the penal liability of juridical persons for financing terrorism and for other offences of a terrorist character.

With the aim of implementing 13 universal tools in the field of counter terrorism, including the Council of Europe Convention on the Prevention of Terrorism, adopted in Warsaw on 16th May 2005 (approved by Law No. 51-XVI of 7th March 2008), the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted in New York on 13th April 2005 (ratified by Law No. 20-XVI of 21st of February 2008), Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, adopted in Rome on 10th March 1988 (approved by Law No. 192-XVI of 28th of July 2005), Protocol on the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, adopted in Rome on 10th March 1988 (approved by Law No. 193-XVI of 28th July 2005); in August 2008 the Parliament of the Republic of Moldova introduced essential modifications to the Criminal Code, the most important being the following:

1. Supplementing Article 134<sup>11</sup>, where offences of a terrorist character are stipulated.
2. Articles 134<sup>2</sup>-134<sup>10</sup> introduce the normative determination of the terms as airship being in the air and airship being exploited, fixed platform, explosive device or other device with fatal effect, state or governmental object, infrastructure object, place for public use, nuclear material, nuclear devices and radioactive devices.
3. Due to the modification of Article 278 of the Criminal Code, terrorism is defined as the setting off of an explosion, causing conflagration or committing other acts which create the danger of death or bodily or mental harm, causing fundamental damage to property or the environment or other serious consequences, if this act is committed with the aim of intimidating the population or a part thereof, attracting society's attention to political, religious ideas or of ideas of another nature of the author or to force the state, an international organization or a juridical person to commit or abstain from committing any act, as well as threatening to commit such acts with the same aims.

At the same time the Criminal Code foresees that persons who commit a terrorist act and other accomplices can be penalized with the minimum penal punishment if they have warned the authorities about the respective actions and as such contributed to the avoidance of death, bodily and mental harm, other serious consequences as well as the identification of other accomplices. Moreover, the Criminal Code of the Republic of Moldova, in the same article, foresees the exemption from penal liability of any person who participated in the preparation of the terrorist act if he/she made a timely announcement to the authorities or took other

measures, contributing to the prevention of a terrorist act and if his/her actions does not constitute corpus delicti of other offences.

The modification of article 279 of the Criminal Code determines as the offence of financing terrorism, "providing or deliberately collecting by any person, by any method, directly or indirectly, goods of any nature, obtained by any methods, or rendering any financial services with the aim of using these goods or services, or knowing that they will be used, entirely or partially for organizing, preparing or committing an offence of a terrorist character, or by an organized criminal group, a criminal organization, or by a particular person who commits or attempts to commit offences of a terrorist character or who organizes, guides, associates, preventively agrees, incites, or participates as an accomplice in committing these offences."

The offence of financing terrorism is considered to be committed, irrespective of whether the offence of a terrorist character is committed or not, the goods were, in fact, used to commit this offence or the actions were perpetrated on or outside of the territory of the Republic of Moldova.

Goods implies financial means, any type of (active) corporeal or incorporeal values, mobile or immobile, tangible or intangible, as well as acts or other judicial tools of any form, including electronic or digital form, which certifies a title or a right, including any share (interest) regarding these (active) values.

4. Introducing article 140<sup>1</sup>, the Parliament of the Republic of Moldova qualifies as an offence the use, development, creation, acquiring in other ways, processing, detention, hoarding or conservation, direct or indirect transfer, maintenance or transportation of weapons of mass destruction.

5. Article 275 stipulates penal punishment for the capture of a train or the hijacking of an aircraft or maritime or fluvial ship.

6. Supplementing the Criminal Code, articles 289<sup>1</sup>, 289<sup>2</sup>, and 289<sup>3</sup> determine as offences acts directed against aeronautical security, airports and marine transport, as well as the security of fixed platforms.

7. By introducing articles 278<sup>1</sup>, 279<sup>1</sup>, and 279<sup>2</sup> important supplements have been put into effect by means of which the delivery, placing, setting or detonating of an explosive device or any other device with fatal effect are penalized as well as recruiting, coaching or giving any other support with a terrorist purpose, including instigation with a terrorist aim or the public justification of terrorism.

Thereby,

- *recruitment with a terrorist purpose* constitutes "a request addressed to a person to commit or contribute to the preparation or perpetration of an offence of a terrorist character, or to be associated with an organization or a group, with the intention or knowledge that this request is intended to contribute to the perpetration of one or more offences with a terrorist character";
- *training with a terrorist purpose* is considered as "supplying with instructions regarding the manufacturing or use of explosive devices or substances, or weapons of mass destruction, or radioactive devices or materials, or fire weapons or any other weapons, poisonous and dangerous substances, or regarding other specific techniques or methods, intending or knowing that this supply will contribute to the perpetration of one or more offences of a terrorist character";
- *providing any other support with a terrorist purpose* implies "acquiring, maintaining, manufacturing, transporting or supplying weapons, munitions, any other destructive devices or means, biological weapons, poisonous or dangerous substances, facilitating state border trespassing, lodging, facilitating penetration into limited access zones, collecting, holding with the aim of transmitting or offering data about the targets-objectives, as well as giving other support, in any form, intentionally or knowing that these actions are taken to contribute to the perpetration of one or more offences of a terrorist character";
- *instigation with a terrorist purpose* consists of "disseminating or placing, through other methods, at public disposal, a message with the intention of inciting or knowing that such a message can incite the perpetration of an offence of a terrorist character";
- *public justification of terrorism* provides "disseminating or placing, through other methods, at public disposal, a message concerning recognition of an ideology or practice of perpetration of offences of a terrorist character as being fair or as worthy of being supported or followed".

Furthermore, the Criminal Code of the Republic of Moldova was modified and complemented with some constituent elements of offences as well as new offences being introduced:

- Article 280 defines "androlepsy" as an offence;
- Article 284, paragraph 2 stipulates that "founding or leading a criminal organization or an organized criminal group with the purpose of committing one or more offences of a terrorist character";
- Article 292, paragraph 1<sup>1</sup> defines as an offence, "manufacturing, acquiring, processing, maintaining, transporting, using or neutralizing of radioactive materials if these, out of imprudence, cause death or other serious consequences, or lethal danger, or harm of corporal integrity or health or essential damage to property or the environment";
- Article 295 defines as an offence, "theft of radioactive materials or devices or nuclear installations, menace or request to transfer these materials, devices or installations";
- Article 295<sup>1</sup> defines as an offence, "maintenance, confection and use of radioactive materials or devices or of nuclear installations with the aim of causing death or serious harm to corporal integrity or to health, essential damage to property or the environment";
- Article 295<sup>2</sup> defines an "attack on a nuclear installation" as an offence.

### Procedural Rules

In the Republic of Moldova individuals suspected, accused or convicted of committing offences of a terrorist character or assisting in terrorist acts, are not subject to any special criminal procedures. The Criminal Procedure Code of the Republic of Moldova does not make any distinction between the applied penal norms which include offences of a terrorist character or other significant offences, extremely or exceptionally grave. So far, no terrorist acts have been registered in the Republic of Moldova.

### Other relevant legislation

#### Special regulatory acts

On the grounds of article 10, paragraph 2, of the Law on Combating Terrorism, by Government Decision No. 778 of 14th June 2002, "The Conventional Regulations on Antiterrorist Operation Management Task Force" were approved. These Regulations establish the structure, missions and competence of the Operative Group, as well as defining its special legal status and the status of the territory where the counter-terrorist activities are carried out.

On 13th November 2006, on the basis of article 6, paragraph 4, of the Law on Combating Terrorism, the Government founded the Antiterrorist Centre of the Security and Intelligence Service (SIS) of the Republic of Moldova, having as its main task technical coordination of terrorism prevention and combating measures carried out by competent public authorities, ensuring the exchange of information with national public authorities, with similar structures of other states, and also with international organizations.

### **Operative Investigation Activities**

Operative investigation activities, aimed at preventing and combating grave and extremely or exceptionally dangerous offences, are also applicable to the framework of activities on preventing and combating terrorism. The Legislation of the Republic of Moldova does not comprise special provisions concerning any specific operative investigation methods which would be applied in cases involving the preparation or perpetration of an offence of a terrorist character.

Having as a prerogative the respect for human rights and fundamental freedoms, in conformity with article 303 of the Criminal Procedure Code of the Republic of Moldova No. 122-XV of 14th March 2003 and article 3, paragraph 6, 1st item from Law No. 45-XIII of 12th April 1994 on Operative Investigation Activities, for the purpose of preventing, combating and investigating significant, extremely or exceptionally dangerous offences, including offences of a terrorist character, with the authorization of a judge, the following operative investigation measures are carried out:

- Searching residence and installing audio, video and photo devices etc;
- Surveying the residence using technical devices;
- Intercepting telephone and other conversations;
- Controlling telegraphic or postal communications and other conversations;
- Gathering information from telecommunication agencies.

Also, according to the Legislation of the Republic of Moldova, besides the above mentioned operative investigation activities, other operative investigation activities can be carried out: interrogation, information gathering; surveillance; prosecution and documentation, using modern methods and devices; collecting samples for comparative examination; executing control of purchases and of delivered goods and output, being in free or limited circulation; investigation of objects and identification documents; identification of a person; investigation

of a residence, buildings, parts of terrain and transportation vehicles; perusal of prisoners' correspondence; carrying out conversations applying the polygraph detector; marking with chemical and other special substances; operative experiments; operative infiltration of operative collaborators from operative sub-units and of persons who confidentially collaborate with the investigation organizations which execute the operative investigation activities, into the criminal organizations, using ID cards and other undercover acts; supervising the transmission of funds or other valuable goods which have been extorted; monitoring transactions carried out through one or more bank accounts.

### **Victim protection**

In the Republic of Moldova the protection of victims is viewed under two main aspects, the first one regarding protection of persons who suffered as a result of an offence of a terrorist character, the second one regarding subjects of protection, persons who contributed to the discovering, preventing, combating, and investigation of offences of a terrorist character.

Article 17 of the Law on Combating Terrorism, stipulates the conditions and norms of social rehabilitation of persons who have suffered as a result of a terrorist act. Based on social reintegration, the Law provides not only judicial, psychological, medical, and professional assistance, but also provides the victims with places of work and residence. These forms of rehabilitation of persons who have suffered as a result of a terrorist act and other aspects of functional collaboration of the assigned authorities were established by Government Decision No. 873 of 8th July 2002.

The conditions and means of protection of persons who have participated in the disclosure, prevention, combating, investigation and/or detection of offences of a terrorist character are provided for under Law of the Republic of Moldova No. 105-XVI of 16th May 2008 on Protection of Witnesses and other Criminal Process Participants and by article 216 of the Criminal Procedure Code of the Republic of Moldova.

According to article 215 of the Criminal Procedure Code, if there are sufficient reasons to consider that the injured persons, witnesses or other persons who participated in the criminal process, as well as the family members or close relatives might be or are threatened with death, violence, deterioration or destruction of goods or with other illegal acts, then the penal prosecution and the court are required to take measures established by the legislation on protecting the life, health, honour, dignity, and

goods of these persons, and also on identifying the culprits and to ensure penal liability.

Execution of these protection measures is based on a decision regarding the application of the protection measures issued at the request of a person or the court, or the prosecutor who leads the investigation, the hierarchical prosecutor or, based on the case, by the prosecutor who executes control over respecting the legislation in the place of detention, initially or on request of the authority that realized the penal investigation or the case, the administration of the place of detention. The decision regarding the application of protection measures is immediately remitted to the empowered organization within 24 hours.

A decision on application of the following measures can be taken depending on the existing circumstances:

- a. Protecting identity data;
- b. Hearing with application of special methods;
- c. Changing residence or place of work or place of study;
- d. Change of identity or appearance;
- e. Installing an alarm system in the apartment or residence;
- f. Change of telephone number;
- g. Ensuring protection of goods.

The protection measures can be applied individually or cumulatively, including urgent measures and/or assistance measures.

The penal prosecuting authorities or the administration of the place of detention could take urgent measures concerning the endangered participant of the criminal process. In case of applying urgent measures, the prosecutor who supervises the penal investigation or, depending on the case, the prosecutor who executes control over legislation in the place of detention are informed, immediately or within 24 hours of the decision being issued.

In this case, depending on the subject, these measures can be:

1. Urgent measures taken by the penal investigation authorities consist of:
  - a. Ensuring personal, residential or goods security;
  - b. Intercepting a person's communication according to the provisions of the Criminal Procedure Code;
  - c. Supervising through audio / video devices according to the provisions of the Criminal Procedure Code;
  - d. Temporary placing in a safe place;
  - e. Protecting or limiting movement;

- f. Issuing special active and passive means for personal security;
- g. Installing special alarm devices in the place of detention;

2. The urgent measures applied by the administration of the place of detention with regard to the protected person, consist of:

- a. Location in a place, specially arranged for this purpose;
- b. Transfer to another place of detention;
- c. Using more rigorous measures of transportation protection;

Depending on the case, the authority that applies the urgent measures, can determine their terms of action. Urgent measures can be applied alone or combined, including with assistance measures.

Assistance measures are:

- a. Integration into another social environment;
- b. Professional requalification;
- c. Ensuring a decent income until finding a new position of work;
- d. Assistance in obtaining new occupation;
- e. Medical assistance;
- f. Judicial assistance;
- g. Psychological and social assistance.

The operative measures of investigation, determined by the Law on Operative Investigation Activities, can also be carried out to ensure the state measures of protection.

A person is introduced into the protection program, if the following conditions are respected:

1. There is a written request from a person;
2. The person is considered a protected person – a person with whom an agreement of protection was signed under the provisions of law and who has a procedural statute of:
  - A witness in the criminal case being in the phase of criminal proceedings or judicial process, according to article 90 of the Criminal Procedure Code;
  - Aggrieved party in the criminal case being in a phase of criminal investigation or judicial process, according to article 59 of the Criminal Procedure Code;
  - A victim in the criminal case in a phase of criminal proceedings or judicial process, who accepts to cooperate before the beginning of the criminal process;
  - A suspect, accused or convict who agrees to give testimony that can constitute conclusive evidence regarding a dangerous, very

dangerous or extremely dangerous offence or to deliver information regarding preparation of dangerous, very dangerous or especially dangerous offences;

- A convict suffering his penalty who accepts to make declarations which can represent conclusive evidence regarding a dangerous, very dangerous or especially dangerous offence or to deliver information regarding the preparation of dangerous, very dangerous or especially dangerous offences;
- A person that does not have a legal procedural status, but accepts to deliver information regarding the preparation of dangerous, very dangerous or especially dangerous offences;

3. The person is in a *state of danger* – situation in which there are persons, in the framework of item 2), whose lives, corporal integrity, freedom or property are threatened as a result of delivering information or cooperating in the criminal process;

4. There is a motivated decision by the prosecutor or court regarding the appliance of protection measures, issued on the basis of article 215 of the Criminal Procedure Code.

Inclusion in the witness protection program of a junior person or person with limited capacity is conditional upon the existence of a written agreement from their legal representatives.

### **Prevention and combating terrorism financing**

Preventing and combating terrorism financing is regulated by Law No. 190 of 26th of July 2007 on Prevention and Combating Money Laundering and Terrorism Financing and by the Law on Combating Terrorism. Additionally, on 18th July 2002, the Parliament of the Republic of Moldova ratified the International Convention on the Suppression of the Financing of Terrorism, New York 1999, and on 13th July 2007 the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, adopted in Warsaw on 16th May 2005.

Activities relating to money laundering and terrorism financing, directly or indirectly, carried out by citizens of the Republic of Moldova, foreign citizens, persons without citizenship, juridical persons, resident or non-resident on the territory of the Republic of Moldova, as well as, in accordance with the relevant international treaties, activities committed outside of the territory of the Republic of Moldova fall under the provisions of this law.

Article 4 of the Law on Prevention and Combating Money Laundering and Terrorism Financing attributes the legal status of reporting entities to financial institutions and to a number of physical and juridical persons. These are:

- Exchange units (others than banks), investment funds, societies of administration of investments, deposit societies, fiduciary administrators;
- Professional participants at the markets of real estate, including stock exchange dealers and brokers;
- Insurance and reinsurance companies;
- Institutions which regulate or register property rights;
- Casinos (including Internet casinos);
- Entertainment places supplied with gambling machines, institutions which organize or hold lotteries or gambling games;
- Real estate dealers;
- Jewellery and precious metals dealers;
- Lawyers, notaries, and other free professionals, during preparation, execution or realization of transactions in the name of a physical or juridical person, connected with buying - selling real estate, administration of businesses of juridical or physical persons, creation, running or administration of juridical persons, excluding cases concerning evaluation of the legal situation of a client or defending or representing the client in a judicial procedure or related to it;
- Auditors, independent bookkeepers and financial consultants – from the banking or non-banking system;
- Persons that offer investment or fiduciary assistance;
- Authorities which have the right to offer services concerning the changes of postal and telegraphic proxies or goods transfer;

Articles 6 and 7 of the same Law determine a number of measures to identify the authors of the suspected transactions and a spectrum of protection measures aimed at preventing money laundering and terrorism financing.

Article 8 of the Law on Prevention and Combating Money Laundering and Terrorism Financing determines the obligation of the reporting entities to inform the Centre for Combating Economic Crimes and Corruption (CCECC), during 24 hours, concerning any suspicious activities or transaction, in the phase of preparation, being carrying out or already performed.

In conformity with article 14 of the Law, by the decision of the CCECC, the reporting entities are obliged to suspend the execution of suspicious

transactions for the period indicated in the decision, but for no more than 5 working days. Also, the reporting entities should suspend, for 2 working days, transactions with goods, except transactions for supplying the bank account, of persons and entities involved in terrorist activities, in financing and supporting them through other means; of the juridical persons, dependent or controlled directly or indirectly by such persons and entities; of the physical and juridical persons who act in the name or under indications of such persons or entities, including derived means or generated by the propriety belonging to them or controlled, directly or indirectly, by the mentioned persons and entities, as well as physical or juridical persons associated with them, immediately informing the Centre for Combating Economic Crimes and Corruption, but not later than 24 hours after receiving the request. If in a period of 2 days the Centre does not approve the decision to suspend the transaction, the reporting entities are free to execute the transaction.

According to article 24 of the Law on Combating Terrorism, where the organization is recognised as being a terrorist entity, on the grounds of a decision of the Court, the goods of this organization shall be confiscated for the benefit of the state and the office, branch or representative shall be liquidated.

## **INSTITUTIONAL FRAMEWORK**

According to article 6 and 7 of the Law on Combating Terrorism, the President of the Republic of Moldova co-ordinates the entire activity of combating terrorism.

The Government is the main authority responsible for the organization of counter-terrorism activities and for supplying them with the necessary forces, means and resources.

The Security and Intelligence Service of the Republic of Moldova is the national authority that directly carries out the antiterrorist activities. The Security and Intelligence Service of the Republic of Moldova fights terrorism by means of prevention, detection, stopping terrorist activity, including international activity and conducting anti-terrorist operations. The Service contributes to ensuring the security of state institutions of the Republic of Moldova located on the territory of other countries, of Moldovan citizens working in those institutions and their family members, gathers information concerning international terrorist organizations, undertakes other specific measures on preventing and combating terrorism attributed to its competence by law.

The Antiterrorist Centre of the Security and Intelligence Service of the Republic of Moldova is the institution empowered with the coordination and realization of measures for combating terrorism. The statute and main duties and organizational structure of the Centre are determined by the Regulation adopted by the Government through Decision No. 1295 of 13th November 2006.

The Antiterrorist Centre has the competence to analyze and coordinate the entire system of activities on combating terrorism performed by the responsible public authorities. In order to carry out its competencies, on a permanent basis the Centre organizes tactical and practical-theoretical exercises to increase the efficiency and interoperability of the state authorities responsible for preventing and combating terrorism. The Centre is also responsible for the continuous improvement of the normative frame in this field, for elaboration and performance of systems and protection and reaction measures to eventual terrorist acts (the national anti-terrorism alert system, the diagnostic and prevention of eventual terrorist acts, behavioural methodologies and recommendations in case of a terrorist act, etc). Also, an important task is the activities of information and documentation through an informational system, supplementing the central database with the materials gathered through the internal and external international cooperation activities.

Other authorities that perform counter-terrorist activities are as follows:

- the General Prosecutor Office leads and executes the criminal proceedings in cases involving offences of a terrorist character;
- the Ministry of Internal Affairs tackles terrorism through criminal proceedings regarding offences of terrorist character attributed by law to its competence;
- the Ministry of Defence ensures the protection of weapons, munitions, explosive substances, military objects and aerial space of the country in the field of conducting anti-terrorist activities;
- the Border Guard Service and its territorial subdivisions combat terrorism by preventing terrorists' attempts to cross the border of the Republic of Moldova;
- the Civil Protection and Emergency Situations Service of the Ministry of Internal Affairs' carries out actions on civil protection, organizes rescue activities and performs other

urgent measures to liquidate the consequences of terrorists acts;

- the State Protection and Guard Service prevents, discovers and puts an end to any action which amounts to an attempt on the life, physical integrity, freedom of action and health of the people who benefit from the protection of the state, regardless of the place where they are. Also, the Service ensures the security of the workplace and the residence of these persons, and participates, within the limits of its duties, in actions on fighting terrorism;
- the Customs Service combats terrorism through actions of prevention, discovering and intercepting attempts to transport weapons, explosive, toxic, radioactive substances and other objects that can be used to commit offences of a terrorist character through the state border of the Republic of Moldova;
- The Ministry of Informational Development ensures informational assistance to empowered authorities that combat terrorism by providing them with informational resources and offering them assistance and the necessary specialized technology for the creation of databases and informational networks;
- the Department of the Penitentiary Institutions of the Ministry of Justice assists in combating terrorist acts, involving, when necessary, its special destination subdivision;
- the Service of Prevention and Combating Money Laundering of the Centre for Combating Economic Crimes and Corruption ensures the prevention and combating of terrorism financing within the limits established by the legislation.

The local public administration authorities participate in combating terrorism, within the limits of their responsibilities, as determined by the relevant laws and other legislative acts.

## **INTERNATIONAL CO-OPERATION**

### **International judicial assistance and extradition**

International assistance with regard to cases involving offences of a terrorist character takes place in accordance with internal legislation and international agreements which the Republic of

Moldova has ratified, or other international obligations of the Republic of Moldova.

The Council of Europe Convention on the Prevention of Terrorism, adopted in Warsaw on 16th May 2005, the European Convention on the Suppression of Terrorism and the Protocol amending the European Convention on the Suppression of Terrorism, ratified by the Republic of Moldova in 2008, 1999 and 2004, respectively, together with other international tools in this field, facilitate the process of extradition of persons who commit offences of a terrorist character.

International judicial assistance in criminal matters is regulated by chapter IX of Title III of the Criminal Procedure Code of the Republic of Moldova regarding the international judicial assistance in the field of criminal law, which is divided into the following sections: investigatory assignment, extradition, transfer of convicted persons and acknowledgment of decisions of a foreign Court, as well as by Law of the Republic of Moldova No. 371-XVI of 1st December 2006 on International Judicial Assistance in Criminal Matters.

Under international judicial assistance, the following main principles have been determined:

- Supremacy of treaties to which the Republic of Moldova is a party or other international obligations of the Republic of Moldova in terms of domestic legislation;
- In cases where the Republic of Moldova and the other relevant state are party to a number of international agreements on judicial assistance and divergences or incompatibilities arise between them, the treaty which ensures superior protection of the human rights and freedoms will be applied;
- the Ministry of Justice can decide not to execute a judiciary decision regarding the admission of an offer of the international judicial assistance, in cases involving matters of fundamental national interest. This attribution is performed in the respect of the persons rights, in the process of executing the final decisions in their favour;
- requests regarding international judicial assistance in criminal matters are processed with the help of the Ministry of Justice or General Prosecutors Office directly and/or with the assistance of the Ministry of Foreign Affairs and European Integration of the Republic of Moldova except the cases where, on the basis of reciprocity, another type of request is stipulated;

Judicial assistance, offered or requested by the Republic of Moldova is determined by the legislation of the Republic of Moldova and by the legislation of the relevant state, especially as regards:

- announcement of procedural acts or judicial decisions relating to physical or juridical persons abroad;
- hearing of persons as witnesses, suspects, accused or convicted persons, defendant or a civilly responsible part;
- execution of the request and inquisition at that moment, rising the objects and documents and pass them abroad, sequestration, confrontation, acknowledging, identification of the telephone's subscribers, the interception of communications, performing of expertise, confiscation of goods acquired through committing delinquencies or other actions stipulated by the Criminal Procedure Code;
- citation of witnesses, experts or of pursued persons by the institutions of penal investigation or by the Court, taking over penal investigation at the request of a foreign state;
- the pursuit and extradition of persons who commit offences or execution of punishment in the form of deprivation of liberty;
- recognition and execution of foreign sentences;
- transfer of convicted persons;
- announcement concerning the certificate of conviction;
- other actions which do not violate the Criminal Procedure Code of the Republic of Moldova and the Law on International Judicial Assistance in Criminal Matters.

International judicial assistance can be refused in the following cases:

- the request refers to offences considered by the Republic of Moldova as political or related to such offences. The refusal is not admitted in cases where the person is suspected, reprehended or convicted for committing actions established by articles 5-8 of the Rome Statute of the International Criminal Court;
- the request refers to an act which exclusively represents a violation of military discipline;
- the institutor of the penal investigation or a court, solicited to offer judicial assistance, considers that the execution of this request would damage the sovereignty, security or public order of the state;
- there are justified reasons to believe that the suspected person is pursued or is to be

punished, on the grounds of race, religion, citizenship, association with a certain group or for sharing political beliefs, or that his situation will worsen for the reasons mentioned above;

- it is proved that in the soliciting state the person will not have access to an equitable process;
- the specified offence is punished with death according to the legislation of the soliciting state and the soliciting state does not offer any guarantee regarding the non-application or non-execution of the death sentence;
- the act or acts referred to in the request do not constitute an offence, according to the Criminal Code of the Republic of Moldova;
- according to national legislation, the person cannot attract penal liability;
- the criminal procedure of the soliciting state does not fulfil or does not respect the conditions of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4th November 1950, or any other international treaty in the field of human rights ratified by the Republic of Moldova;
- the request for judicial assistance is formulated in a case tried in an exceptional court, other than those constituted through international treaties, or in a case executing the punishment applied by such a court;
- the act that motivates the request for judicial assistance makes the object of a procedure in progress, or this act should or could be the object of a penal investigation related to the competence of the penal investigation institutions of the Republic of Moldova;
- acceptance of the request for judicial assistance could have serious consequences for the mentioned person, due to their age, health condition or other personal characteristics.

Any refusal regarding the provision of international judicial assistance will be well-founded.

### **Other forms of international cooperation**

Fully realizing the imperative need to combat terrorism, the Republic of Moldova is a member of the counter-terrorism global coalition and supports the efforts of the international community in terrorist counter-action, this being confirmed by the Parliament of the state immediately after the 2001 terrorist acts in the United States of America.

The Republic of Moldova entirely supports measures taken by the United Nations Security Council

Counter-Terrorist Committee and undertakes all necessary measures to implement the resolutions of the Security Council on combating terrorism at the national level. The Republic of Moldova is party to the 13 judicial tools of the United Nations in the domain of combating terrorism.

Our state supports and actively participates in the initiatives of the Council of Europe in the domain of fighting against terrorism. The Republic of Moldova has ratified the European Convention on the Suppression of Terrorism (1977) and the Protocol amending the European Convention on the Suppression of Terrorism (2003), as well as a number of other European conventions in the area of extradition and mutual assistance in criminal matters. The Council of Europe Convention on the Prevention of Terrorism and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism were also ratified.

The Republic of Moldova is a party to the Agreement of 1999 regarding the collaboration of the member states of the Commonwealth of Independent States (CIS) on fighting terrorism, a member of the Antiterrorist Centre of the CIS, co-operates with the member states of the Black Sea area based on the Agreement of 1998 and the Additional Protocol of 2002, has ratified the Agreement regarding the cooperation of GUAM member states on fighting terrorism, organized crime and other dangerous offences.

In addition to these multilateral agreements the Republic of Moldova operates under a number of bilateral agreements, signed with some governments of foreign states.

<b>Relevant Council of Europe conventions - Moldova</b>	<b>Signed</b>	<b>Ratified</b>
European Convention on the Suppression of Terrorism (ETS 90)	04/05/1998	23/09/1999
Amending Protocol (ETS 190)	15/05/2003	10/03/2005
European Convention on Extradition (ETS 24)	02/05/1996	02/10/1997
First Additional Protocol (ETS 86)	26/06/1998	27/06/2001
Second Additional Protocol (ETS 98)	26/06/1998	27/06/2001
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	02/05/1996	04/02/1998
First Additional Protocol (ETS 99)	26/06/1998	27/06/2001
Second Additional Protocol (ETS 182)	-	-
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	27/06/2001	23/01/2007
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	-	-
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	06/05/1997	30/05/2002
Convention on Cybercrime (ETS 185)	23/11/2001	
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	25/04/2003	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	16/05/2005	13/05/2008
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	16/05/2005	18/09/2007



